



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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OAG 17-029

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Subject: Whether a constable may authorize the use of official license plates on a personal vehicle.

Requested by: Carter County Attorney, Brian Bayes

Written by: Sam Flynn

Syllabus: KRS 186.060(4) statutorily prohibits the use of official license plates on personal vehicles.

Statutes construed: KRS 186.060

OAGs cited: OAG 12-001; OAG 16-008

Opinion of the Attorney General

Carter County Attorney Brian Bayes has requested an opinion of this office as to whether a constable, as head of a governmental unit, may obtain official license plates for use his or her personal vehicle. We advise that a constable may not obtain official license plates for use on a personal vehicle.

The language of KRS 186.060 governs the registration and licensing of official vehicles by federal, state, and local governmental units. In OAG 16-008, this office opined that a constable is a head of a governmental unit such that he may authorize the use of official license plates for an official vehicle under KRS 186.060(1). County Attorney Bayes' asks this Office to clarify whether a constable's authority to authorize use of official plates, pursuant to KRS 186.060, extends to a constable's personal vehicle. We find that it does not.



This office has previously determined that a city, county, state agency, or other unit of government could not use an official license plate on a vehicle which was not owned by that governmental unit. See OAG 12-001 (abrogating OAG 95-001, OAG 74-456, and OAG 73-6). In particular, the express language of KRS 186.060(4) prohibited the use of official plates when the vehicle was "not exclusively owned by [the] governmental unit." *Id.*

However, the language of KRS 186.060(4) was amended in 1996 so that the term "owned" or "exclusively owned" was replaced by "leased or owned." As a result, this office concluded that the "...unambiguous intent of [the] amendment [was] to allow units of government to use official plates on vehicles leased by them, where such use was formerly prohibited." *Id.* In accordance with OAG 12-001, this office advised that a constable could authorize the use of official plates on a vehicle leased by a governmental unit. See OAG 16-008 (finding that a constable is the "head of a governmental unit" for the purposes of KRS 186.060.)

In requesting this opinion, County Attorney Bayes specifically stated that Carter County constables drive their own personal vehicles. While the language of KRS 186.060(4) no longer prohibits the use of official plates on vehicles leased by a governmental unit, it expressly prohibits the use of official plates on vehicles that are not leased or owned by a governmental unit. The statute provides the following:

No person shall use on a motor vehicle, not *leased or owned* by a county, city, urban-county, board of education, or emergency and ambulance vehicles operated by nonprofit corporations organized by units of government in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle *leased or owned* by the governmental unit.

KRS 186.060(4) (emphasis added).

In light of this express statutory prohibition, this office finds that a constable's authority to authorize the use of official license plates extends only to motor vehicles leased or owned by the governmental unit. Accordingly, we find a constable is statutorily prohibited from using official plates on his or her personal vehicle.

Yours very truly,

ANDY BESHEAR
ATTORNEY GENERAL

A handwritten signature in dark ink, appearing to read 'Sam Flynn', with a long horizontal flourish extending to the right.

Sam Flynn
Assistant Attorney General